

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELLIOT PADGETT,

Plaintiff,

v.

COMMUNITY EDUCATION CENTERS,
and RONALD PHILLIPS

Defendants.

CIVIL ACTION

No. 11-1654

ORDER

AND NOW, this 27th day of February 2012, for the reasons stated in the accompanying Memorandum, it is hereby **ORDERED** as follows:

- (1) Ronald Phillips's Motion to Dismiss Counts I and II of Plaintiff's Complaint Pursuant to F.R.C.P. 12(b)(6), filed on April 11, 2011 (Docket No. 9), is **DISMISSED** as moot;
- (2) Community Education Centers' Motion to Dismiss Plaintiff's Complaint Pursuant to F.R.C.P. 12(b)(6), filed on April 12, 2011 (Docket No. 10), is **GRANTED** and the plaintiff's Complaint is **DISMISSED** without prejudice; and,
- (3) The defendants' joint Motion for Judgment on the Pleadings Pursuant to F.R.C.P. 12(c) or Alternatively 12(b)(6), filed on June 21, 2011 (Docket No. 17), is **DISMISSED** as moot.

BY THE COURT:

/s/ Louis H. Pollak
Pollak, J.